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असाधारण

EXTRAORDINARY

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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th March, 1965:—

BILL No. 11 of 1965

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1965. Short title and commencement.
- 5 (2) It shall be deemed to have come into force on the twenty-sixth day of January, 1964.
2. In article 105 of the Constitution, after clause (4), the following clause shall be inserted, namely:— Amendment of article 105.
 - 10 (5) Notwithstanding anything in this Constitution or otherwise, each House of Parliament shall have the powers to

adjudge in case of their own contempt, whether committed by a member or a stranger whether inside the Chamber or outside it and to punish that contempt without interference by courts in India."

Amend-
ment of
article
194.

3. In article 194 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

5

"(5) Notwithstanding anything in this Constitution or otherwise, each House of a State Legislature shall have the powers to adjudge in case of their own contempt, whether committed by a member or a stranger whether inside the Chamber or outside it, and to punish that contempt without interference by courts in India."

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STATEMENT OF OBJECTS AND REASONS

In 1964, Uttar Pradesh Legislative Assembly and the High Court of Uttar Pradesh had taken quite contrary views regarding the powers and jurisdiction of the Assembly to adjudge and to commit an outsider who had committed a contempt of the U.P. Assembly. Then the President of India, made a special reference, No. 1 of 1964, under article 143(1) of the Constitution to the Supreme Court regarding the powers and jurisdiction of the High Court and its Judges in relation to the State Legislature and its officers and also regarding the powers, privileges and immunities of the said Legislature and its members. The Supreme Court held that the powers of Legislatures in this behalf were restricted by certain provisions relating to Fundamental Rights of the citizen. The Supreme Court had discussed in detail articles 105 and 194 but said that the said articles had not restricted Courts or Judges thereof from interfering in such circumstances. This opinion of the Supreme Court has reduced Legislatures to the status of inferior courts, and has implications that would deter the Legislatures from discharging their functions efficiently, honestly and with dignity.

Therefore, the Conference of Presiding Officers of Legislative Bodies in India which was held at Bombay on the 11th and 12th January, 1965, having carefully considered in all its aspects the opinion of the Supreme Court in this behalf has recommended that—

“This Conference considers that suitable amendments to article 105 and 194 should be made in order to make the intention of the Constitution makers clear beyond doubt so that the powers, privileges and immunities of Legislatures, their members and Committees could not, in any case, be construed as being subject or subordinate to any other article of the Constitution.”

The amendment of the Constitution of India proposed in this Bill seeks to clear the doubt as suggested by the Presiding Officers of Legislatures at Bombay.

NEW DELHI;
The 5th February, 1965.

SIVAMURTHI SWAMI.

BILL NO. 12 OF 1965

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

- | | |
|----------------------------------|---|
| Short
title. | 1. This Act may be called the Constitution (Amendment) Act, 1965. |
| Amend-
ment of
article 15. | 2. In article 15 of the Constitution, in clauses (1) and (2), after the word "caste", the word "language", shall be inserted. |
| Amend-
ment of
article 16. | 3. In article 16 of the Constitution, in clause (2), after the word "caste", the word "language", shall be inserted. |

STATEMENT OF OBJECTS AND REASONS

In a multilingual country that India is, there should be no discrimination against any citizen on grounds of language and there should be equality of opportunity for all in matters relating to employment or appointment to any office under the State. Though we have many assurances from the Prime Minister and the Home Minister to this effect, it is better in a democracy to have proper statutory safeguards than to depend on the promises and utterances of individuals, however eminent they may be.

Hence this Bill.

NEW DELHI;

ERA SEZHIYAN

The 16th February, 1965.

BILL No. 13 OF 1965

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1965.

Amend-
ment of
article
120.

2. For article 120 of the Constitution, the following shall be substituted, namely:—

“120. Notwithstanding anything in Part XVII, but subject to the provisions of article 348, business in Parliament shall be transacted in Hindi or in English or in any of the other languages as specified in the Eighth Schedule to the Constitution.” 10

STATEMENT OF OBJECTS AND REASONS

Article 120 of the Constitution, as it stands at present, provides that Hindi or English can be used for transaction of business in Parliament, provided that a Member who cannot adequately express himself in Hindi or in English may be permitted by the Presiding Officer to address the House in his mother tongue. As the regional languages of India have been made official languages and as the Parliament comprises of representatives from all the States in India, it is proper that provision should be made for the use of all the languages specified in the Eighth Schedule to the Constitution for transaction of business in Parliament. This is also necessary to ensure equality of status to all the languages mentioned in the Eighth Schedule and to give a popular, democratic orientation to the work of Parliament.

Hence this Bill.

NEW DELHI;
The 17th February, 1965.

S. M. BANERJEE

S. L. SHAKDHER,
Secretary.

